

Local Rule CV-81, attached hereto as Exhibit A is a certified copy of the state court docket sheet, together with all process, pleadings, and orders served upon United Home Life in the removed case. A certified copy of the court's ledger sheet is attached.

3. With this Notice of Removal, United Home Life removes the State Court Action to this Court on the basis of diversity jurisdiction as more fully described below.

II. PROCEDURAL REQUIREMENTS

4. This action is properly removed to this Court because the State Court Action is pending within this district and division. 28 U.S.C. §1441(a).

5. Plaintiff filed her Original Petition against Defendant on August 17, 2015, and Defendant was served on August 18, 2015. Accordingly, this removal is timely.

6. Pursuant to Local Rule CV-81(c), United Home Life states:

- a. List of Parties: The Plaintiff is Angela Bartel. The Defendant is United Home Life Insurance Company. The removed case is pending.
- b. Documents: See Exhibit A.
- c. List of Attorneys:

Mark S. Humphries
Mark S. Humplreys, P.C.
702 Dalworth Street
Grand Prairie, Texas 75050
(972) 263-3722
Counsel for Plaintiff

Joel R. Sharp
Laurie G. Flood
Hunton & Williams, LLP
1445 Ross Avenue
Suite 3700
Dallas, Texas 75202
(214) 979-3000
(214) 740-7179 (fax)
Counsel for Defendant

d. Trial by Jury: Plaintiff has requested a trial by jury.

e. Court from Which Case is Removed: 16th Judicial District Court, Denton County, Texas at 1450 E. McKinney, 3rd Floor, Denton, Texas 76209.

7. Simultaneous with the filing of this Notice, United Home Life is also filing notice in the 16th Judicial District Court of Denton County, Texas, and providing Plaintiff with copies pursuant to 28 U.S.C. § 1446(d).

III. THE COURT HAS DIVERSITY JURISDICTION

8. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is diversity among the parties and because the amount in controversy exceeds \$75,000.

A. Diversity of Citizenship

9. For purposes of diversity jurisdiction, “[a] natural person is considered a citizen of the state where that person is domiciled, that is, where the person has a fixed residence with the intent to remain there indefinitely.” *Margetis v. Ray*, No. 3:08-CV-958-L, 2009 WL 464962, *3 (N.D. Tex. Feb. 25, 2009)(citing *Freeman v. Northwest Acceptance Corp.*, 754 F.2d 553, 555-56 (5th Cir. 1985)). Plaintiff Angela Bartel is an individual citizen of the state of Texas and resides in Denton County, Texas.

10. For purposes of diversity, a corporation is a citizen of each state in which it has been incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c). At the time the State Court Action was commenced and at the present time, Defendant United Home Life was and is a corporation organized under the laws of Indiana with its principal place of business located at 225 South East Street, P.O. Box 7195, Indianapolis, Indiana, 46207. Accordingly, United Home Life is a citizen of Indiana.

11. Therefore, there is complete diversity between the Plaintiff (Texas) and the Defendant (Indiana).

B. Amount in Controversy

12. Removal based on diversity is proper if it is apparent from the face of the petition that the claims are likely to exceed \$75,000. *Williams v. Wells Fargo Bank, N.A.*, No. 4:11-CV-752, 2012 WL 695796, *4 (E.D. Tex. Feb. 9, 2012)(citing *Allen v. R & H Oil & Gas Company*, 63 F.3d 1326, 1335 (5th Cir. 1995)). Here, Plaintiff's petition alleges Plaintiff seeks recovery in the amount of "over \$200,000 but less than \$1 million." *Plaintiff's Original Petition* at ¶ 2. Plaintiff further alleges \$143,000 in contractual damages alone. *Id.* at ¶ 11(a). Therefore, removal is proper under 28 U.S.C. § 1332(a) because the amount in controversy exceeds \$75,000, exclusive of interest and costs.

13. Because there is complete diversity among the parties and because the amount in controversy requirement is satisfied, this Court has jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and removal is proper.

IV. CONCLUSION

Defendant United Home Life removes this action from the 16th Judicial District Court of Denton County, Texas to the United States District Court for the Eastern District of Texas, Sherman Division, so that the Court may assume jurisdiction over the case as provided by law.

DATED: September 14, 2015

Respectfully submitted,

HUNTON & WILLIAMS LLP

/s/ Joel R. Sharp

Joel R. Sharp

Texas Bar No. 00791642

jsharp@hunton.com

Laurie G. Flood

Texas Bar No. 24032056

lflood@hunton.com

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202-2799

214.979.3000

214.880.0011 Fax

**ATTORNEYS FOR DEFENDANT UNITED
HOME LIFE INSURANCE COMPANY**

CERTIFICATE OF SERVICE

On September 14, 2015, I submitted the foregoing Notice of Removal through the ECF system for electronic service to the registered participants as identified on the Notice of Electronic Filing and I hereby certify that I have served all counsel and/or pro se parties of record by facsimile or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

Mark S. Humphreys

Texaslaw94@yahoo.com

Mark S. Humphreys, P.C.

702 Dalworth Street

Grand Prairie, TX 75050

(972) 263-3722 (tel.)

(972) 237-1690 (fax)

ATTORNEY FOR PLAINTIFF

/s/ Joel R. Sharp

Joel R. Sharp